

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

TYRONE L. TURNER, JR.
ADC #172055

PLAINTIFF

V.

Case No. 5:19-cv-00153-LPR

STRINGFELLOW,
Dentist, Wellpath Medical

DEFENDANT

ORDER

Tyrone L. Turner, Jr. (“Plaintiff”) filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on April 26, 2019, while he was an inmate in the Arkansas Division of Correction (“ADC”). (Doc. 2). On November 27, 2019, mail sent to Plaintiff at the ADC was returned to the Clerk of the Court as undeliverable, with the notation “paroled.” (Doc. 9). On December 4, 2019, the Court entered an Order directing Plaintiff to inform the Court whether he intended to pursue this lawsuit and, if so, to provide a current mailing address and file a free-world application to proceed *in forma pauperis*. (Doc. 10). The Court warned Plaintiff that his failure to comply with the Order would cause his Complaint to be dismissed. (*Id.*) That Order was returned to the Clerk as undeliverable. (Doc. 11). Other mail sent to Plaintiff was also returned as undeliverable. (Docs. 12, 13).

Plaintiff has not complied with or otherwise responded to the December 4, 2019 Order. Plaintiff also failed to notify the Clerk and the other parties to the proceedings of a change in his address as required by Local Rule 5.5(c)(2), which the Court noted in its Initial Order for Pro Se Prisoners. (Doc. 3).

Accordingly, Plaintiff’s Complaint is DISMISSED without prejudice pursuant to Local Rule 5.5(c)(2) and Rule 41(b) of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (district courts have power to dismiss *sua sponte* under Rule

41(b)). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an *in forma pauperis* appeal from the order and judgment dismissing this action would not be taken in good faith.

IT IS SO ORDERED this 21st day of May 2020.

A handwritten signature in black ink, appearing to read 'Lee P. Rudofsky', is written over a horizontal line.

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE